

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/899,606	KOO ET AL.
	Examiner Shaima Q. Aminzay	Art Unit 2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 12/4/2006.
2.  The allowed claim(s) is/are 1 and 3-11.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol>	<ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____.</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol>
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## ***DETAILED ACTION***

This office action is in response to applicant's amendment/remarks filed December 4, 2006.

### ***Examiner 's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul J. Farrell, Reg. No. 33,494 (Tel. 516-228-8484) on February 13, 2007. The applicant representative, Paul J. Farrell agreed to the following changes without prejudice.

In the independent claim 1, line 14, the allowable limitations of objected dependent claim 2, lines 2-5 ended with a ";" is added. The dependent claim 2 is cancelled.

In the dependent claim 3, line 1, the phrase "in claim 2" is changed to – in claim 1 --.

***Response to Arguments***

2. Response to arguments with respect to rejected claim 1 and objected claims 2-3 is moot as the Examiner amendment meets the requirements, therefor, Claim Rejection –35 USC 103(a) with respect to claim 1, and Claim Objection with respect to claims 2-3 withdrawn. Claims 4-11 are allowable as indicated in the previous office action.

***Allowable Subject Matter***

3. Claims 1, 3-11 is allowed.

***Reasons for Allowance***

4. The following is an examiner's statement of reason for allowance:

The prior art specifically Khan (Khan et al., US Publication 2001/0056,560) and Dorenbosch (Dorenbosch et al., US Patent 5,801,639) failed to render obviousness in combination or individually and failed to anticipate individually the following limitations:

"A method for retransmitting data in a mobile communication system, comprising the steps of: determining whether an initial data block received from a transmitter has an error; estimating a current channel state and determining a retransmission frequency

according to the estimated current channel state upon detecting an error in the initial data block; transmitting a retransmission request message of the initial data block together with the determined retransmission frequency to the transmitter; receiving data blocks retransmitted by the transmitter as many times as the retransmission frequency in response to the retransmission request message; determining whether the retransmitted data blocks have errors; measuring an average received power level of the initial data block and each of the received data blocks, and selectively combining only the data blocks having an average power level higher than or equal to a predetermined reference power level upon failure to detect errors; and providing the received data blocks to an upper layer upon failure to detect errors from the received data blocks” as disclosed in independent claim 1.

“A method for retransmitting data in a mobile communication system, comprising the steps of: receiving a plurality of data blocks retransmitted due to an error occurring in an initial data block; measuring an average received power level of each retransmitted data block; comparing the average received power levels with a predetermined reference power level; and combining the received data blocks having an average power level higher than or equal to the reference power level” as disclosed in independent claim 4.

“A method for retransmitting data in a mobile communication system, comprising the steps of: estimating a current channel state, determining a retransmission frequency according to the estimated channel state, and transmitting a retransmission request

message with the determined retransmission frequency, the version number and the sequence number upon detecting an error in a received initial data block; receiving data blocks retransmitted as many times as the retransmission frequency in response to the retransmission request message; measuring an average power level of each received data block; comparing the average power levels with a predetermined reference power level; and combining the received data blocks having an average power level higher than or equal to the reference power level” as disclosed in independent claim 5.

“A method for retransmitting data in a mobile communication system, comprising the steps of: estimating a current channel state and transmitting a retransmission request message with retransmission frequency information to a transmitter according to the estimated channel state upon a receiver's detecting an error in an initial data block; retransmitting the initial data block to the receiver as many times as the retransmission frequency at the power level specified in the retransmission request message upon the transmitter's receipt of the retransmission request message; measuring, in the receiver, an average power level of said each received data blocks; and selectively combining only the data blocks having an average power level higher than or equal to a predetermined reference power level, out of the retransmitted data blocks and the initial data block” as disclosed in independent claim 6.

“An apparatus for retransmitting data in a mobile communication system, comprising: a receiver for (A) estimating a current channel state, (B) transmitting a retransmission

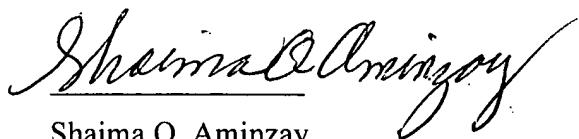
request message for the initial data block, together with retransmission frequency information according to the estimated channel state, (C) measuring an average power level of each data block received in response to the retransmission request message, and (D) combining only the data blocks having an average power level higher than or equal to a predetermined reference power level, out of the initial data block and the retransmitted data blocks; and a transmitter for retransmitting the initial data block as many times as the retransmission frequency in response to the retransmission request message from the receiver" as disclosed in independent claim 9.

For these reasons, independent claims 1, 4, 5, 6, and 9 are allowed. Claims 2, 7-8, 10-11 are dependents of independent claims 1, 6, and 9 are allowed for the same reasons set forth in independent claims 1, 6, and 9.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-272-7874. The examiner can normally be reached on 7:00 AM -4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew D. Anderson can be reached on 571-272-4177. The fax number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shaima Q. Aminzay

(Examiner)

February 17, 2007



MATTHEW ANDERSON  
SUPERVISORY PATENT EXAMINER